

riages kept for hire, within the city of Baltimore, and also draymen, waggoners and carters, residing and employed in the said city; and is also empowered to make all necessary regulations respecting the same.

These corporate powers, if licensing and regulating are police powers, which are admitted to be in every respect necessary to the good government of the city, and, have therefore, with great propriety, been vested in the mayor and city council, who are more fully acquainted with, and can more justly appreciate, the peculiar wants and interests of the city, and are therefore deemed most competent to exercise them in a manner calculated to sustain and advance the interests of the corporation, and of its members. And whilst these powers are thus vested, so as to ensure a more salutary exercise of them than could be expected from the legislature of the state, they constitute, at the same time, a considerable source of city revenue, of which the products might be materially affected or diminished by such an act as that prayed for by the petitioners.

Contributing, as these powers do, to the good government and the finances of the city, even the petitioners themselves could not but regard the entire withdrawal of them from the corporation, and the exclusive exercise of them by the state legislature, as highly prejudicial to the interests of the city, and as sanctioning the resumption of every other police power of the corporation, so as to destroy the very objects for which the corporation was created. A partial withdrawal of them, by restrictions which materially abridge them, and may diminish the revenue which is derived from them, and which the corporate authorities have not yet refused to impose, is scarcely less objectionable in point of principle. Police powers, such as those under consideration, are of course liable to abuse, and often require a restricted exercise, and where such abuse exist, it is always the duty of the state legislature to correct them, when satisfied of their existence, and of the unwillingness of the corporation itself to undertake the task of correction. Yet it is due to a corporation invested with such authority, that it should be first resorted to for relief from the improper exercise of it, or for such limitations of its exercise as the public good may require. Acts of legislation, which interfere with the exercise of the mere police powers of a corporation, go upon the presumption of unwillingness on the part of the corporation itself to effect the objects of the act; and no such presumption can exist where there is no proof that they have refused to accomplish them.

In the case before your committee, the first application has been made to the legislature, whilst the full power to gratify all the wishes of the petitioners, resides in the mayor and city council. They deem it, therefore, due to that body, fitted as it is from the nature of its organization, for the full perception of all the abuses which may arise from the present mode of exercising this branch of the license owners of the city, and of the proper mode of correcting them, that the subject should be referred to